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15 *Attorneys for Plaintiff*

16 *IMPLICIT NETWORKS, INC.*

17 UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 IMPLICIT NETWORKS, INC.,

21 Plaintiff,

22 v.

23 SYBASE, INC., and
24 MICROSOFT CORPORATION,

25 Defendants.

Case No. C 09-1478 SI

**STIPULATED MOTION FOR
DISMISSAL OF SYBASE, INC. WITH
PREJUDICE AND PROPOSED
ORDER**

The Plaintiff, Implicit Networks, Inc., and Sybase, Inc., pursuant to Rule 41 of the Federal Civil Judicial Procedure and Rules, hereby move for an order dismissing this action with regard to all claims brought Plaintiff in their entirety WITH PREJUDICE, with each party to bear its own costs, expenses and attorneys' fees.

Dated: May 18, 2009

HOSIE RICE LLP

/s/ Spencer Hosie

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I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories.

DATED: May 18, 2009

/s/ Spencer Hosie

Spencer Hosie

IT IS SO ORDERED.

DATED this ____ day of May, 2009.



HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE